

**REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 23, 2019
COUNCIL CHAMBERS
www.lackawannany.gov**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order
NB: Meeting being recorded

Roll Call: Council: Present: Ingram, Schultz, Moretti, Surdyke Iafallo

Dept. Heads: Present: Law, Public Works, Public Safety, Recreation, Development, Comptroller

Approval of Minutes: of regular meeting of September 9, 2019

Moved by Iafallo seconded by Ingram to adopt minutes of regular meeting as amended, Councilman Surdyke was excused
Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo Carried 5-0

Departmental Reports:

1. **City Treasurer-** Total Receipts deposited to the General Fund for the month of August 2019
2. **City Comptroller-** A/P Check Listing #4, dated September 5, 2019
3. **City Comptroller-** A/P Check Listing #5, dated September 12, 2019

Moved by Iafallo seconded by Schultz to receive and file departmental reports one thru three
Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo Carried 5-0

Communications from the Department/Division Heads:

Municipal Code Chapter 190-3

4. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

RICHARD S. JUDA, JR.-CITY ATTORNEY

Moved by Iafallo seconded by Schultz to receive and file, act on ordinance
Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo Carried 5-0

4. (A) AN ORDINANCE AMENDING CHAPTER 190, SOLID WASTE, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 190- 3
(B) shall be rescinded and replaced with the following:

- B. Garbage and non-recyclable refuse and rubbish shall be placed in sealed garbage bags, prior to being stored in totes. A tote which contains garbage or non-recyclable refuse and rubbish, which is not in sealed garbage bags, shall not be collected by the City and the owner, lessee, occupants or any person having the care and control of the lot or land shall be charged with a violation of this section. Garbage and non-recyclable refuse and rubbish shall be stored in totes with lids completely closed. No tote shall exceed 150 pounds in weight when filled.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Moretti to adopt ordinance as written
Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo

Carried 5-0

Chapter 66 -16- Animals

5. To: City Council

As animal Control Officer for the City of Lackawanna for many years, I have dealt with numerous complaints of dogs running at large, dogs not being vaccinated, dogs not being licensed, disturbing noise (excessive barking), leaving feces on public and private property, dangerous dogs, properties having 3 and 4 dogs not licensed, dogs being raised for dog fights, etc.

In the past couple of years I have dealt with dog bites due to owner neglect to control their dogs and allow them to run at large throughout the City. We have had several complaints from our mailmen, neighbors and the community in general with dog issues.

The number of dogs unlicensed and unregistered per house in our City has been an ongoing problem for years and finally my office has in the past couple of years has been getting the problem under control. My office along with the City Clerk's Office and Wanda Turner have been working together by sending out letters, issuing violations and when not in compliance an appearance ticket is issued to appear in Lackawanna City Court with fines and penalties included.

So far this process has been working giving us more of a handle on how many dogs at a property that are not licensed and we are able to bring to court.

I understand that other Cities are having problems with properties having more than 2 or 3 dogs and are thinking about changing their ordinance to a lesser number of dogs allowed.

With that said, I believe that our ordinance should remain as is and not allow Chapter 66 section 66-16 be changed due to the purpose of our ordinance is to contribute to the public welfare, safety and good order of its people by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the City.

FREDRICK GRASSO-ACO

Moved by Iafallo seconded by Surdyke to receive and file
Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo

Carried 5-0

Communications from Citizens:

Contract Recommendation-Roof for 2838 South Park Avenue

6. To: City Council

The bids for the above references project were opened on September 5, 2019. A copy of our bid tabulation is enclosed for your information and review.

A review of the low bid is as follows:

Roofing Contract: Progressive Roofing, Inc., Buffalo, NY

We have reviewed qualifications of the low bidder and have completed a post-bid screening to discuss their bids and their scope of work. We believe this bid price is reasonable to complete this project, and that the

contractor is qualified to complete the contract. The bid value is 2% less than the anticipated construction cost based on an independent estimate.

We recommend that the City Council pass the following resolution:

“Accepting the bids received for:

*** 2838 South Park Ave., Roofing Contract from Progressive Roofing, Inc., for a total Bid of \$386,000.00; and awarding the Contract to them.”**

Please notify us after the project has been awarded. We will then provide the Contractors with the Notices of Award and copies of the agreements for their execution. When the executed agreements are returned, we will provide them to the City Mayor for his execution. This process generally takes seven to ten days. CPL looks forward to working with you, the City staff, and the Contractor to successfully complete this project. If you have any questions or require any additional information, please contact me.

ANNE DAFCHIK, AIA-ASSOCIATE

Moved by Iafallo seconded Schultz to approve request, award contract to Progressive roofing for the bid amount of \$386,000

Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo

Carried 5-0

Contract Recommendation-Asbestos Abatement-2838 South Park Avenue

7. To: City Council

The bids for the above references project were opened on September 5, 2019. A copy of our bid tabulation is enclosed for your information and review.

A review of the low bid is as follows:

Abatement Contract: Mark Cerrone, Inc., Niagara Falls, NY

We have reviewed qualifications of the low bidder and have completed a post-bid screening to discuss their bids and their scope of work. We believe this bid price is reasonable to complete this project, and that the contractor is qualified to complete the contract. The bid value is 11% less than the anticipated construction cost based on an independent estimate.

We recommend that the City Council pass the following resolution:

“Accepting the bids received for:

*** 2838 South Park Ave., Abatement Contract from Mark Cerrone, Inc., for a total Bid of \$213,900.00; and awarding the Contract to them.”**

Please notify us after the project has been awarded. We will then provide the Contractors with the Notices of Award and copies of the agreements for their execution. When the executed agreements are returned, we will provide them to the City Mayor for his execution. This process generally takes seven to ten days. CPL looks forward to working with you, the City staff, and the Contractor to successfully complete this project. If you have any questions or require any additional information, please contact me.

ANNE DAFCHIK, AIA-ASSOCIATE

Moved by Iafallo seconded by Surdyke to approve request, award contract to Mark Cerrone, Inc., for the bid amount of \$213,900

Yeas: Ingram, Schultz, Moretti, Surdyke, Iafallo

Carried 5-0

Early Voting Information

8. To: City Council

Attached please find a list of all polling locations and the daily schedule for early voting in Erie County, which begins Saturday, Oct. 26 and continues through Sunday, Nov. 3.

A major component of early voting is the use of e-poll book technology which will allow residents to vote at any of our 37 poll sites regardless of their address.

In the interest of making the public aware of when and where early voting is taking place, we ask that you prominently display this information at your town hall and on your official website and social media accounts.

It would be greatly appreciated if this matter could be included in upcoming Town Board agenda for discussion by board members. At your request a representative of the Board of Elections will attend to provide additional information and answer questions.

We thank you in advance for assisting us in implementing early voting through public education and outreach, and of course do not hesitate to reach out to me with any questions or concerns you may have.

JUSTIN M. ROONEY-OFFICE MANAGER

Moved by lafallo seconded by Ingram to receive and file, direct City Clerk to post accordingly

Yeas: Ingram, Schultz, Moretti, Surdyke, lafallo

Carried 5-0

Current Status-ACO

9. To: City Council

I, Erik Piechowicz, of 51 Stearns Avenue, respectfully request that the Lackawanna City Council add the current state of the Animal Control Office for discussion to the agenda for September 23, 2019. After recent developments the vast majority of pet owning citizens have lost all confidence in said department. As a citizen I would like answers as to what happen to the dog that was shot and killed in Holy Cross cemetery by the ACO and a Lackawanna Police Officer. Furthermore, I would like to see all guilty parties punished in accordance with the law.

ERIK PIECHOWICZ-RESIDENT

Moved by lafallo seconded by Ingram to receive and file

Yeas: Ingram, Schultz, Moretti, Surdyke, lafallo

Carried 5-0

Garbage Truck Leakage

10. To: City Council

Please be advised that I have been requested by the individuals who have signed the attached petitions to complain about the perfuse odor that is released from the garbage trucks as they collect garbage in the First Ward.

On their behalf I thank you, the Council and the DPW in advance of your assistance in resolving this issue.

GEORGE W. HALSEY, III-RESIDENT

Moved by lafallo seconded by Ingram to receive and file

Yeas: Ingram, Schultz, Moretti, Surdyke, lafallo

Carried 5-0

Adjournment:

Moved by lafallo seconded by Moretti to adjourn the meeting

Yeas: Ingram, Schultz, Moretti, Surdyke, lafallo

Carried 5-0

Annette lafallo-Council President

Jeffrey P. DePasquale- City Clerk